

**IN THE UNITED STATES DISTRICT COURT**

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**FOR THE MIDDLE DISTRICT OF ALABAMA 21 A 8:11**

**EASTERN DIVISION**

CLERK'S OFFICE  
MIDDLE DISTRICT COURT  
MIDDLE DISTRICT ALABAMA

GENE COGGINS  
Plaintiff

V:

CIVIL ACTION NO. 3:07-CV-1028 WHW-TFM

**JERRY THROWER and**  
**CITY OF LANETT**  
**Defendant**

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**REPLY TO DOCUMENT #5-1 & 6-1, WITH MOTION FOR  
DEFAULT AND DEFAULT JUDGMENT**

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COMES NOW, THE PLAINTIFF WITH THIS REPLY TO ORDER ON MOTION,  
DOCUMENT # 5-1, & 6-1. WITH MOTION FOR DEFAULT AND DEFAULT  
JUDGMENT. ON YOUR FIRST PAGE YOU STATED THAT " THE COURT WISHES  
THAT THE PLAINTIFF TO UNDERSTAND. FULLY THE LIMITED NATURE OF BEING  
ALLOWED TO PROCEED IN **FORMA PAUPERIS**". THE PLAINTIFF KNOWS OF  
THIS, AND IS AWARE THAT COST WILL OCCUR IN A JURY TRIAL, THIS IS THE  
ONE REASON I FILED A MOTION WITH EVERY CASE, TO USE THE APPENDIX

SYSTEM, TO HELP CONTROL THE COST. THIS MOTION HAS BEEN DENIED IN EVERY CASE, THAT LEAVES THE ONLY OTHER ALTERATIVE LEGAL METHOD, GIVEN IN THE GUARANTEED DUE PROCESS OF LAW, A TRIAL BY JURY. WHEN A CASE LIKE THIS ONE INVOLVES A CONSTITUTION QUESTION, ABOUT GUARANTEED CONSTITUTION RIGHTS, THAT IS NON - ARGUMENTAL, THEN THERE CAN BE NO TRIAL BY JURY, MAKING THIS ANOTHER CONSTITUTIONAL RIGHT VIOLATION, WHERE EVERY CITIZEN IS GUARANTEED THEIR RIGHT TO BE HEARD IN ANY COURT IN THIS LAND.

WHEN THIS CASE IS PRESENTED IN THE UNITED STATES DISTRICT COURT, THE DEFENDANT WAS SERVED WITH A COMPLAINT AND SUMMONS, BY CERTIFIED MAIL, WITH RECEIPT RETURNED TO THE CLERK OF THE COURT, IN AND ACCORDING TO THE FEDERAL RULES OF CIVIL PROCEDURES, 3. 4, 5., ON NOVEMBER 16, 2007.. THIS WAS THE SAME TIME THIS COURT RECEIVED THE PETITION AND SUMMONS AS REQUIRED. FEDERAL RULES OF CIVIL PROCEDURES GIVES THE ONLY METHOD OF SERVICES AS SET BY OUR GOVERNMENT, TO BE HAND DELIVERED BY AN OFFICER OF THE COURT, SENT BY CERTIFIED MAIL, OR PUBLISHED IN THE LOCAL NEWS PAPER. THERE IS NO WHERE IN ANY RULE OF LAW THAT GIVES ANY COURT OR CLERK ANY OTHER METHOD, THE RIGHT TO DISCLAIM ANY SERVICE, STALL, OR TRY TO CHANGE THE TIME OR METHOD USED IN DELIVER OF THE SUMMONS AND COMPLAINT.

THE SUMMONS STATED THAT THE DEFENDANT HAD TWENTY DAYS TO ANSWER THIS COMPLAINT OR A JUDGMENT BY DEFAULT WOULD BE ENTERED

AGAINST YOU. AS OF DECEMBER, TWENTY, 2007, NO ANSWER HAS BEEN RECEIVED BY EITHER PARTY, UNDER RULE 55 - 1 FEDERAL RULES OF CIVIL PROCEDURE, THE CLERK OF THE COURT IS **REQUIRED AND MUST ENTER** DEFAULT AND DEFAULT JUDGMENT AGAINST THE DEFENDANTS, AS REQUIRED BY LAW WITH ALL JUDGMENT ASKED FOR IN THE COMPLAINT AND MUST BE GRANTED. WHEN THIS DUE PROCESS OF LAW IS NOT FOLLOWED, THEN THE RESPONSIBILITY FOR PAYMENT OF THE JUDGMENT IS LEFT FOR THE COURT TO FORBEAR. WHEN THE CLERK FAILS TO COMPLY TO THIS LAW, HE HAS BROKEN THE OATH OF OFFICE TO UPHOLD THE CONSTITUTION OF THE UNITED STATES, COMMITTING A FELONY AND PERJURY, THEN THE U.S. DISTRICT ATTORNEY HAS A RESPONSIBILITY TO PROSECUTE HIM. WITH THIS FAILURE TO ANSWER THE COMPLAINT IN THE REQUIRED TIME LEAVES NOTHING FOR THIS COURT TO DECIDE BUT TO ABIDE BY THE ESTABLISHED LAWS AND GUARANTEED DUE PROCESS OF THE UNITED STATES CONSTITUTION.

**CONCLUSION:**

WHEN ANY DEFENDANT FAILS TO COMPLY TO THE RULES OF LAW, RECEIVED A VALID SUMMONS AND COMPLAINT, NOT RETURNING AN ANSWER WITHIN THE REQUIRED TIME LIMIT, THIS MAKES THEIR ACTIONS, OF NO RESPECT FOR THE RULES OF COURT, DISHONEST AND DESERVES ALL THE PUNISHMENT OR JUDGMENT ASKED IN THE COMPLAINT. THE DEFENDANTS REMOVED THE GUARANTEED CONSTITUTION RIGHTS, BY NOT REPLYING TO THE

COMPLAINT WITHIN THE REQUIRED TIME LIMIT. THE COURT AUTHORITY IN THIS CASE ENDED, AND WAS PLACED IN THE HAND OF THE CLERK BY THE DEFENDANTS NEGLECT. ANY ORDERS, OPINIONS OFFERED FROM THIS COURT, WOULD ONLY INDICATE THAT THIS COURT HAS NO RESPECT FOR THE GUARANTEED DUE PROCESS OF LAW ESTABLISHED IN THE UNITED STATES CONSTITUTION, TO PROVIDE EQUAL JUSTICE TO ALL CITIZENS.

LIKE OTHER CASES PRESENTED IN THIS COURT, I AM SURE THAT THIS ONE WILL BE NO DIFFERENT, FOR ALL HAVE BEEN APPEALED ALL THE WAY TO THE UNITED STATES SUPREME COURT.. WITH THE JUDGMENT BEING TRIPLED FOR EVERY APPEAL, THIS COURT HAS PLACED A HEAVY BURDEN UPON ALL DEFENDANTS.

  
GENE COGGINS

## CERTIFICATE OF SERVICE

I, GENE COGGINS, DO HEREBY CERTIFY THAT I HAVE PLACED IN THE UNITED STATES MAIL A COPY OF THIS FOREGOING ACTION TO ALL PARTIES INVOLVED, AND SENT TO THE LAST KNOWN ADDRESS, WITH CORRECT POSTAGE.

DONE THIS 70 DAY OF DECEMBER, 2007

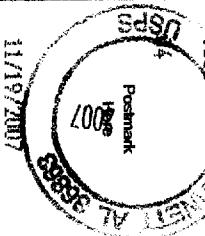
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GENE COGGINS

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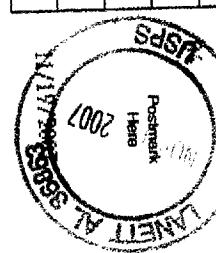


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